

LILLEY TOWNSHIP PLANNING COMMISSION MINUTES
APRIL 20TH, 2023 - UNAPPROVED

The April 20th, 2023 regular meeting of the Lilley Township Planning Commission, held at the Multi-Purpose Building, was called to order by Chairman Cindy Israels at 7:30 P.M.

The Pledge of Allegiance was recited, Invocation by Vice-Chairman Doornbos.

The roll was called with the following members present: Cindy Israels, Robert Doornbos, Chris Moore, Judith Hoving and Anna Bonnett

Motion to approve the April 20th, 2023 Agenda by Moore, second by Hoving.

Voice Vote - All in Favor - Motion Carried

Motion to approve the February 9th, 2023 Public Hearing Minutes by Moore, Second by Doornbos

Roll Call: Israel Yes, Doornbos Yes, Moore Yes, Hoving Yes, Bonnett Yes – Motion Carried

Correspondence: Michigan Twp. Assn. Magazine. Legal Opinion Correspondence by Bloom Sluggett PC, the Township's Law Firm, regarding Short-Term Rentals and Possible Noise Ordinance Guidance.

Public Comment: Kasey & Sarah Kohlhoff introduced themselves as owners of an SRT at 535 Pettibone Dr. Disposal of leaves was discussed. No dumping at the park or on private property. Burning laws must be followed. Transfer station does not take leaves. Becky Wilkinson was here to talk about chickens but was told that this issue would be carried over to the next meeting of the Planning Commission.

Old Business – None to be covered

New Business – Short Term Rentals: Legal Counsel has been consulted on the issue of Short-Term Rentals in Lilley Township. We are not targeting anyone but in the spirit of cooperation we will be examining and learning about what is occurring in our Township. We will be working on a checklist provided by legal. Copies for the public are available on the front table. Asst. Zoning Officer Madalyn Wroblewski discussed the many issues of privacy that arise in residential neighborhoods especially where lots are narrow as on lakefront properties. Bob Doornbos spoke of the difficulties and expense to the township in trying to enforce current zoning and any changes made. Both agree that change and improvements should be done with much care and consideration. There was much discussion concerning current zoning restrictions which limit occupancy in residential areas to one family. Multiple individuals have created parking situations, damage to some areas and dangerous situations arising on lakes where renters may be unfamiliar with lake rules. Rules differ from lake to lake. Local roads which Townships pay to maintain and fishing are impacted. Multiple ATV's have impacted the area as well. This is a residential and retirement community and not a commercial resort area. There are motels, cabins and lodges in nearby Lake County and Baldwin that cater to lake and river vacationers and those staying in the area for other reasons. Limits to the number of STRs on lakes based on lake acreage will be examined.

AT THIS POINT MEMBERS BEGAN WORK ON THE CHECKLIST PROVIDED BY LEGAL COUNSEL.
THE RESULTS OF THIS WORK WILL BE PROVIDED AS ATTACHMENTS TO THESE MINUTES.

Upon Completion of Member consensus regarding questionnaire provided by Legal, to be returned to them for further action, the following announcements were made.

The Noise Ordinance question posed by a member was explained as follows. Due to limited law enforcement available, enforcement would be difficult however Disturbing the Peace Laws can be enforced.

Efforts to communicate with the public regarding Township business are ongoing. Suggestions are to look on the Township Website for meeting dates and upcoming events of interest. Minutes, Zoning Ordinances and our Master Plan are available there as well. Certain Facebook pages are also available. List provided. See lilleytownship.com or lilleytownship.org for Official Township information.

The next Planning Commission meeting date is as follows:

May 25th, 2023 – Reevaluation of the Zoning Ordinance regarding the keeping of chickens.

There being no further business Motion to Adjourn made by Moore and second by Bonnett
Voice Vote – All in Favor – Motion Carried

Meeting adjourned at 9:01 P.M.

Respectfully Submitted

Judith C. Hoving

Judith Hoving – Recording Secretary

ATTACHMENTS

DRAFT
(April 13,2023)

LILLEY TOWNSHIP
NEWAYGO COUNTY, MICHIGAN

General Questions to be Addressed by Lilley Township
for Short-Term Rentals

Before the appropriate ordinances can be drafted for short-term rental regulations (i.e. both an amendment to the Lilley Township Zoning Ordinance initiated by the Planning Commission and possibly a non-zoning regulatory ordinance), the Township Board and the Planning Commission should tentatively address the following regarding short-term rentals ("STRs"):

1. Should STRs be allowed anywhere within the Township?
 - a. If "no," the Zoning Ordinance should be amended to make that clear. The Township will also have to address whether existing STRs (as of the date of the new STR ban) will be considered lawfully nonconforming, and if so, pursuant to what regulations.

Answer: in certain areas, a commercial district and limited around lakes

One commission member feels we do not have the money or resources to "police" or enforce this. Other members feel that if the right systems and process are in place, we do have language in the adopted ordinances, that we should at least try to make them work.

- b. If the answer is "yes," then please proceed with Sections 2 and 3, below.
2. Possible conditions, regulations and requirements for new lawful STRs hereafter:
 - a. Must obtain a license every X years from the Planning Commission pursuant to a new STR licensing and regulatory ordinance.

Consensus of all Commissioners is that it should be ANNUALLY at least for now. Possibly in the future once things prove out that owners are following ordinances, we can revisit.

- b. Should STRs be allowed only in certain districts?

YES

- c. Should there be a limit on the number of new STRs, either Township-wide or within certain areas?

YES, following Commercial zoning and single family residential zoning district rules

- d. Should there be a ban on purely commercial STRs and a requirement that the owner of the property (or the owner's family) must utilize the property for Y months per year and/or it can only be rented as an STR Y months per year?

Yes, allowing for "rest" period from constant traffic of transient renters for neighborhood residents

- e. Should the owner of the STR property have to reside within a short distance of the STR property to supervise it (for example, within 3 miles)?

Not necessary as long as there are contact numbers in case of emergency or problems

- f. Should STRs be banned on lakes, which seems to create the most problems?

No, but limited. The attached STR Lake listing taken from the Newaygo County GIS serves as a guideline for limits around lakes per lake acreage. We recommend to the Lilley Twp Board that one (1) STR be allowed per 10 acres of lake only.

- g. Only one (1) family can rent/occupy at a time.

Yes per Zoning for residential district

- h. Must be rented for at least one (1) week at a time?

Commissioners feel flexible on this to allow for weekend/long weekends- 48 hour minimum

3. If the Township bans new STRs after a certain date and decides to make existing STRs a lawful nonconforming use the following requirements could be imposed on those existing STRs:

- a. The owner of the STR property must register with the Township ~~within 2 years~~ of the date of the new STR ban in order to be a lawful nonconforming use.

Yes, must register within 60 days

- b. The existing STR properties would have to obtain a license from the Planning Commission every ~~3 years~~.

Annual license requirement

- c. An existing STR use could not expand or intensify.

Correct

- d. Existing STRs would have to meet all applicable building and safety code requirements for such a rental use.

Yes, with Fire Safety inspections

- e. Other regulations could be imposed such as the need for a local contact person with full authority over the property, regulations regarding noise, nuisances and other disorderly conduct provisions, reporting requirements and disclosure requirements.

Yes, also see licensing requirements and language.

- f. Both the limited lawful nonconforming status and the STR license could be revoked by the Planning Commission after a public hearing based on material and significant ordinance violations.

Yes

[Note — Of course, all of this could be moot if the Michigan Legislature enacts an STR
preemption regarding local government regulations and the Governor signs the legislation]

License requirements (this is not a complete list) TBD per Zoning Ordinance

Garbage/ trash information

Background check

Locals tending property – Bondable? Police Record? Etc

Lake and community rules

Zoning Ordinance

Rest break from renters

Disturbing the peace

Pet leash laws

Parking per single residential dwelling

Lake STR limits Lilley – Planning Commission recommends one (1) STR per 10 acres of lake

All lake sizes are listed on Newaygo County GIS

Pettibone Lake	52.79	
Pickerel Lake	125.34	
Mawby Lake	12.66	
Bitely Lake	35.37	
Houseman Lake	49.42	
Sisson Lake	32.13	
Lilley Lake	62.22	
Isaac Lake	14.62	
Greening Lake	21.04	
WalkUp Lake	65.14	
Schultz Lake	12.77	Private
Lamoreaux Lake		Private

The following lakes are part of the Legends Ranch

Railroad Lake, Woods Lake and Mill Lake

These lakes are part of the Manistee National Forest and under management of the Forest Service:

- Little Half Moon Lake
- Kenosha Lake
- Highbank Lake
- Amaung Lake
- Saukaw Lake
- Condon Lake
- Leaf Lake
- Modd Lake
- Musketeep Lake
- Diepma Lake